

REMARKS

Claims 1-25 were pending. Claims 1, 9 and 21 have been amended. No claims have been added/canceled. Therefore claims 1-25 remain pending.

35 U.S.C. § 112 Rejections

In the present Office Action, claims 2, 10, and 22 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Office Action states “data is a document” and it “is not understood to one of ordinary skill in the art how a module and data would comprise a main directory module and delta directory module respectively”.

Data is a general term and nowhere does the present description limit the term data to a “document”. Additionally, Applicant submits one skilled in the art would not limit the term data to mean a document as suggested. Data may include files, directory objects, one or more modules, or otherwise. Claim 2 recites that a first module comprises a main directory module. A module broadcast from a transmitter may comprise directory objects, which are also data. One such directory object may include a directory of the modules required for use by an application, which is recited in claim 1. Additionally received data may include any form of data. Claim 2 recites that the additional data of claim 1 includes a delta directory. It is believed the features of claims 2, 10, and 22 are clear and are in compliance with 35 U.S.C. § 112. Nevertheless, Applicant has amended each of claims 2, 10 and 22 to recite the receipt of both data and additional data. Should the examiner still believe the claims are not clear, the below signed representative would be happy to further discuss the matter in a telephone interview.

35 U.S.C. § 103 Rejections

In the present Office Action, claims 1-25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over newly cited U.S. Patent Application 20020059645 (hereinafter “Soepenbergs”) in view of U.S. Patent Number 6,337,951 (hereinafter “Campbell”). However, Applicant submits each of the pending claims recite features that are neither disclosed nor suggested in the combination of cited references. Accordingly, Applicant traverses the above rejections and requests reconsideration.

Claim 1 recites a method for managing data in a distributed computing system, which includes “receiving data comprising a first module which identifies a plurality of modules for use by an application”. In the present Office Action, it is suggested that these features are included in the following:

“ . . . data file and directory objects are sent in cycles with predetermined groups of file and directory objects being formed into respective modules at the transmitter, with each module being transmitted as a whole . . .

The present invention further provides a transmitter . . . for transmission and data formatting means arranged to assemble into modules for transmission file data and directory objects.

. . .

file and directory modules may be comprised in discrete data portions . . . for storage being at the module level. In either arrangement, the data including file and directory modules may further comprise a version indicator to identify updates.”

In the above disclosure, Soepenbergs simply describes the transmission of file and directory objects. The transmission unit in Soepenbergs is a module. For example, a group of directory objects could be collected and transmitted within a given module. However, it is noted that nowhere is there disclosed a first module which identifies a plurality of modules for use by an application. In contrast, Soepenbergs discloses transmitting modules which include files and/or directories. Additionally, the directories described in

Soepenbergs are simply logical containers for files and do not identify a plurality of modules for an application as recited. Further, a module's version indicator does not identify a plurality of modules used for an application.

Generally speaking, Soepenbergs provides a method to record a multimedia application accompanying television broadcasts. However nowhere in Soepenbergs is a broadcast module described which identifies a plurality of modules for the multimedia application. Rather, each module in Soepenbergs is simply a collection of file and/or directory objects. Such file and directory objects correspond to those of a typical file system. Also, only complete modules may be transmitted in Soepenbergs, rather than individual file or directory objects. The multimedia applications use the objects, but there is no one module that is broadcast that is disclosed to use a list, a directory, or other, to identify a plurality of modules for use by the multimedia application. Applicant has reviewed the entire document and submits no such disclosure exists. The excerpts of Soepenbergs below disclose descriptions of transmitting the modules, but no disclosure of a first module identifying a plurality of modules for use by the multimedia application:

“... a module is a container of objects and comprises a number of DownloadDataBlock messages (which are specified in the MPEG-2 standard as private sections). When a set-top box wants to pre-fetch a DSM-CC object, it must (amongst other things) know in which module the object resides. After it has retrieved the right module, the set-top box must then parse the module to get to the object itself. Due to the hierarchical nature of the DSM-CC object carousel an object might be included in a subdirectory. If this is the case, the set-top box must also retrieve the module(s) with the intermediate directories, and parse them before it gets to the object in which it is interested.” (Soepenbergs, paragraph 0005).

“...Thus, retrieving an object requires also the decompression of all the modules that are needed for the retrieval of the objects the set-top box is interested in.” (Soepenbergs, paragraph 0006).

“...a transmission system comprising a transmitter and at least one receiver configured to receive signals transmitted therefrom, wherein carousel-forming data file and directory objects are sent in cycles with predetermined groups of file and directory objects being formed into

respective modules at the transmitter, with each module being transmitted as a whole, and the receiver being arranged to store received file data and directory objects under a predetermined grouping formulation.” (Soepenber, paragraph 0013).

For at least the above reasons, the each of the independent claims are patentably distinct from the cited art, taken either singly or in combination.

In addition to the above, claim 1 recites:

“receiving additional data corresponding to said application, wherein said additional data identifies fewer than all of said plurality of modules and identifies an update to be made to one or more of said first module and said plurality of modules”.

Both in the previous and in the present Office Action, it is suggested that Campbell discloses these features of claim 1 in the following:

“In response to the user identification and user module data, the host processor sends, over the communications channel, a host origin date for a host module corresponding to the user module. Responsive to receiving the host origin date for the host module, the user processor compares the host origin date for the host module to the user origin date for the corresponding user module. In response to determining that the host origin date is more recent than the user origin date, the user processor identifies those host module blocks of information, within the host module, having origin dates more recent than corresponding user module blocks of information, within the user module, as updated blocks. The riser processor then downloads to the user memory the updated blocks. Alternatively, in a secondary embodiment, the network may be configured such that, in response to determining that the host origin date is more recent than the user origin date, the user processor downloads the host module and replaces the user module with the downloaded host module.” (Campbell, col. 6, lines 46-64) (emphasis added)

In Campbell, the user processor receives a host origin date. However, the host origin date is simply a date and is not an identification of “fewer than all of said plurality of

modules”. The host origin date is data within a host module and it is compared to data in the user module, such as the user origin date. In Campbell, in the user terminal, which receives the host origin date, the user module is identified by the user identification data and not by the host origin date. The host origin date may not have the same value as the user origin date of any user module, much less of the user module identified by the user identification data. Therefore, the host origin date does not identify a user module. For at least these additional reasons, claim 1 is patently distinct from the cited art.

Furthermore, even if the host origin date were equivalent to “additional data that identifies fewer than all of said plurality of modules”, the host origin date does not identify “an update to be made to one or more of said first module and said plurality of modules”. In Campbell, in order to identify “an update to be made”, the user processor must compare the host origin date for the host module to the user origin date for the corresponding user module. The host origin date does not identify “an update to be made”. Rather, the host origin date simply serves as data input to a process which may result in an identification of an update to be made.

Also, claim 1 recites “...additional data identifies... an update to be made to one or more of said first module and said plurality of modules”. Campbell does not disclose an update of said first module “which identifies a plurality of modules”. In Campbell, the user identification data identifies a user module. However, the user identification data is not updated by the host origin date nor by the host module. Additionally, in Campbell, the host module may be used to update a single user module, but the host module is not used to update a plurality of user modules as shown in the above disclosures. For at least these reasons, claim 1 is believed patently distinguishable from the cited reference.

As each of the independent claims 9, 17 and 21 include features similar to claim 1, claims 9, 17 and 21 are patentably distinguished from the cited references alone or in combination for similar reasons. As each of the dependent claims include the features of the independent claims on which they depend, each of the dependent claims are patentably distinct for at least the above reasons.

In addition to the above, the dependent claims recite features not disclosed or suggested by the cited art. For example, the cited art does not disclose the features of claim 2, which recites:

“wherein said first module comprises a main directory module which is pushed, and wherein said additional data comprises a delta directory module which corresponds to said main directory module.” (emphasis added).

In the present Office Action, it is suggested that Soepenbergl discloses the recited main directory module in the following:

“In accordance with the present invention there is provided a transmission system comprising a transmitter and at least one receiver configured to receive signals transmitted therefrom, wherein carousel-forming data file and directory objects are sent in cycles with predetermined groups of file and directory objects being formed into respective modules at the transmitter, with each module being transmitted as a whole, and the receiver being arranged to store received file data and directory objects under a predetermined grouping formulation.” (Soepenbergl, paragraph 0013) (emphasis added)

As discussed above, there is no main directory module as recited disclosed in Soepenbergl. Rather, file and directory objects are grouped into modules. Further, on page 5 of the Office Action it is stated that Soepenbergl discloses “each module being transmitted is stored in a directory objects, see [0013].” However, neither is correct. Modules in Soepenbergl are not stored in directory objects. Directory objects may be included as part of a (transmission) module. Additionally, nowhere does Soepenbergl disclose that a directory object includes a module ID. As used in Soepenbergl, the term “directory” relates to the hierarhichal directory and file structures of a file system and is not equivalent to the recited main directory module. In other words, the directory of Soepenbergl is simply a logical containder for files. In contrast, the main directory module as recited and described serves to identify those modules which are used or needed by a

given application. Neither does Campbell disclose the features of claim 2 as discussed in Applicant's previous Response to Office Action. Accordingly, claim 2 is patentably distinct from the cited references alone or in combination for these additional reasons as well.

As the recited main directory module is not disclosed in the cited art, the features of claims 3 and 4 which relate to the main directory module are not disclosed by the combination of cited art.

In view of the above, Applicant submits the claims are in condition for allowance.

CONCLUSION

Applicant submits the application is in condition for allowance, and an early notice to that effect is requested.

If any extension of time (under 37 C.F.R. § 1.136) is necessary to prevent the above referenced application from becoming abandoned, Applicant hereby petitions for such an extension. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert & Goetzel PC Deposit Account No. 501505/5266-10500/RDR.

Respectfully submitted,

/ Rory D. Rankin /

Rory D. Rankin

Reg. No. 47,884

ATTORNEY FOR APPLICANT(S)

Meyertons, Hood, Kivlin,
Kowert, & Goetzel, P.C.
P.O. Box 398
Austin, TX 78767-0398
Phone: (512) 853-8800

Date: October 29, 2007